

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

(1) BRADLEY LANE CROFT,

Defendant.

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SA-18-CR-00603-DAE

ORDER

Before the Court in the above-styled cause of action is Defendant's Emergency Motion to Stay Forfeiture [#344], which was referred to the undersigned for disposition on May 17, 2023. The undersigned ordered a response from the Government, which was filed on June 9, 2023 [#348]. By his motion, Defendant asks the Court to stay the upcoming forfeiture proceedings pending the resolution of his appeal. For the reasons set forth herein, the Court will dismiss the motion as moot.

The record reflects that, following Defendant's conviction, the District Court issued a Final Judgment of Forfeiture as to the following personal and real property of Defendant on September 7, 2022:

Personal Properties

1. 2017 American Eagle 45T Motorhome, VIN: 4UZFCGBG9HCJB4052;
2. 2018 Ford F-150 King Ranch Lariat, VIN: 1FTEW1EG7JFB84609;
3. 2017 Dodge Ram 1500 Laramie, VIN: 1C6RR7NTXHS832445;
4. 2016 Yamaha Superjet Ski, Hull No.: YAMH0007D616;
5. 2009 Yamaha Waverunner Jetski, Hull No.: YAMA3976I809;
6. 2012 Rocket International Trailer, VIN: 4YBAB2026CF005447;
7. \$134,415.64, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXX1730 in the name UNIVERSAL K NINE seized on 8/8/18;

8. \$4,372.00, More or Less, in United States Currency;
9. \$98,900.00, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXX1730 in the name UNIVERSAL K NINE seized on 9/19/18; and
10. \$6,510.09, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXX1730 in the name UNIVERSAL K NINE seized on 11/29/18, hereinafter referred to as the Subject Personal Properties.

Real Property

Real Property located and situated at 15329 Tradesman, San Antonio, Bexar County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more fully described as follows: LOT 15, BLOCK 2, NEW CITY BLOCK 14846, TRADESMAN NORTH INDUSTRIAL SUBDIVISION UNIT 1, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6200, PAGE 129, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, hereinafter referred to as the Subject Real Property.

(Final Judgment of Forfeiture [#309].) Defendant asks the Court to stay the forfeiture of the real property pending resolution of his appeal.

Defendant has filed multiple appeals with the Fifth Circuit Court of Appeals, Federal Circuit Court of Appeals, and Supreme Court since his conviction. The first appeal was filed May 7, 2021, which challenged the District Court's forfeiture order. *See* Case No. 21-50380. The Fifth Circuit affirmed the forfeiture, stating that there was sufficient evidence to support Defendant's wire-fraud convictions and all the seized assets could be traced to Defendant. (Mandate [#313], at 10–11.)

Defendant filed a petition for writ of certiorari with the Supreme Court on August 22, 2022, asking the Court to consider the sufficiency of the evidence regarding his aggravated identity theft, wire fraud, and money laundering convictions. *See* Case No. 22-5460. The case was distributed for conference on January 6, 2023. Defendant filed an additional appeal with the Fifth Circuit on July 25, 2022, and appeals the district court's denial of his motion for new trial. *See* Case No. 22-50659. Briefs have been filed by both parties in this case. Finally, Defendant

filed an appeal with the Federal Circuit on November 9, 2022, appealing the district court's denial of his motion for new trial. *See* Case No. 22-51119. The Federal Circuit terminated his case for lack of jurisdiction over criminal cases and referred the case back to the Fifth Circuit. The Defendant filed a Notice of Appeal with the Fifth Circuit on December 9, 2022, related to this case, to ensure notice of the transfer of the Federal Circuit case. *See* No. 22-51120. No further action has occurred.

Defendant's motion for an emergency stay is moot. The property subject to the District Court's Final Judgment of Forfeiture has all been disposed of by the Government except for the real property. Specifically, the monetary assets (cash and funds seized from accounts) were deposited into the department of Justice asset forfeiture fund on September 9, 2022, and non-monetary assets (vehicles, watercrafts, and trailer) were auctioned on October 18, 2022. As to the real property subject to forfeiture, the United States Marshals Service has confirmed that the sale of this property has been suspended pending the United States Supreme Court's ruling on Defendant's petition for writ of certiorari. The Court will therefore dismiss Defendant's motion.

IT IS THEREFORE ORDERED that Defendant's Emergency Motion to Stay Forfeiture [#344] is **DISMISSED AS MOOT**.

SIGNED this 27th day of June, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE